



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,577	10/30/2003	David S. Benco	LUTZ 2 00245	7683

48116 7590 06/15/2006

FAY SHARPE/LUCENT
1100 SUPERIOR AVE
SEVENTH FLOOR
CLEVELAND, OH 44114

EXAMINER

CABUCOS, MARIE G

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,577

Applicant(s)

BENCO ET AL.

Examiner

Marie Antoinette Cabucos

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims cannot depend on itself.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 7, 10, 17-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US Publication no. 2003/0044050) in view of Virzi et al (US Publication no.2004/0161079).

Regarding claims 1, 2, 7, 19, 20 and 25, Clark in figures 1-3 discloses a method for identifying a sender, the method comprising receiving an origination message (235, location ID), receiving biometric information (235, biometric data) regarding the sender, using the biometric information to access an identity database record (250), retrieving identity information regarding the calling party

Art Unit: 2163

from the identity database (245), and transmitting an MSC-Network (170, communications network, wireless) Origination message including the identity information retrieved from the identity database. Clark discloses every claim element except for identification method being used in identifying a calling party to a called party before the called party answers a call. However, Virzi discloses such a caller identification method (abstract). It would have been obvious by one having ordinary skill in the art, at the time of the invention, to use the method of Clark in the system of Virzi so as to have a caller identification system transmit both the origination message and identity information.

Regarding claims 3 and 21, Virzi discloses the method of claim 1 further comprising transmitting a request for the biometric information to user equipment of the calling party (paragraph 0078).

Regarding claims 6 and 24, Clark discloses in figure 3 the method of claim 1 wherein using the biometric information to access an identity database record of the calling party comprises extracting identifying parameters from the biometric information, and using the extracted identifying parameters as a key or index into the identification database to access an identity database record of the sender.

Regarding claim 10, Clark in figures 1-3 discloses a system operative for identifying a sender, the system comprising an identity database (250) accessible at least in part through the use of biometric data (235), the identity database including identifying records in association with respective biometric data, a switching center (170) operative to receive biometric information regarding a sender and use the received biometric information to access the identity

Art Unit: 2163

database to retrieve identity information therefrom and to generate and transmit an MSC-Network (170) Origination message including the identity information. Clark discloses every claim element except for identification system being used in identifying a calling party to a called party before the called party answers a call. However, Virzi discloses such a caller identification method (abstract). It would have been obvious by one having ordinary skill in the art, at the time of the invention, to use the method of Clark in the system of Virzi so as to have a caller identification system transmit both the origination message and identity information.

Regarding claims 17 and 18, Clark discloses in figure 2 wherein the switching center is operative to receive raw biometric data (235) and to parameterize the raw biometric data for use as a key or index into the identity database (250); and wherein the switching center is operative to receive parameterized biometric data from a piece of user equipment (205, 215, 225) used by the sender and to use the parameterized biometric data for as a key or index into the identity database.

Claims 4, 5, 11-16, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US Publication no. 2003/0044050) in view of Virzi et al (US Publication no.2004/0161079) as applied to claim 1 above, and further in view of Howard et al (US Publication no. 2004/0133582).

Clark in view of Virzi discloses all the claim elements, as disclose previously, except the specific biometric information received. Howard discloses

Art Unit: 2163

that biometric data used could be a retinal scan or a facial image (paragraph 0105). It would have been obvious by one having ordinary skill in the art, at the time of the invention, to use whichever biometric information is convenient. (Note: claim is assumed to depend on claim 10).

Claims 8, 9, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al (US Publication no. 2003/0044050) in view of Virzi et al (US Publication no.2004/0161079) as applied to claim 1 above, and further in view of Armington et al (US Publication no. 2003/0163739).

Regarding claims 8, 9, 26 and 27, Clark in view of Virzi discloses all the claim elements, as disclose previously, except the method of claim 1 further comprising receiving one or more spoken words, and using information in the one or more spoken words in combination with the biometric information to access the identity database; and wherein using information in the spoken name in combination with the biometric information to access the identity database comprises converting the one or more spoken words into one or more text words and using the one or more text words and the biometric information as one or more keys or indexes into the identification database to access an identity database record of the calling party. Armington discloses in figure 4 such an authentication method. It would have been obvious by one having ordinary skill in the art, at the time of the invention, to add the spoken name in combination with the biometric information when accessing the identity database for added security.

Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art of record to John E. Green (US Patent no. 5,274,695) discloses a system for verifying the identity of a caller in a telecommunications network.

Prior art of record to William Leslie Ross (US Patent no. 6,695,206) discloses an identification system displaying a user image at a remote location.

Prior art of record to Bromba et al (US Patent no. 6,836,556) discloses a device and method for identifying a person by biometric characteristics.

Prior art of record to Manasse et al (US Publication no. 2003/0061233) discloses a system for verifying the identity of a caller in a telecommunications network.

Inquiry

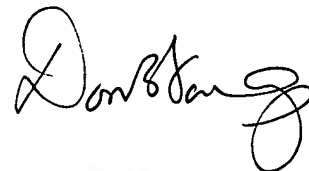
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie Antoinette Cabucos whose telephone number is 571-272-8582. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marie Antoinette Cabucos
Examiner
Art Unit 2163

A handwritten signature in black ink, appearing to read "Don Wong", with a stylized flourish at the end.

DON WONG
SUPERVISORY PATENT EXAMINER